

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P804464/WO/1	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/001373	International filing date (<i>day/month/year</i>) 11 February 2005 (11.02.2005)	Priority date (<i>day/month/year</i>) 13 February 2004 (13.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant DAIMLERCHRYSLER AG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 9 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input checked="" type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 04 October 2006 (04.10.2006)
	Authorized officer Yolaine Cussac e-mail: pt11@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

P804464/WO/1

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/001373

International filing date (day/month/year)

11.02.2005

Priority date (day/month/year)

13.02.2004

International Patent Classification (IPC) or both national classification and IPC

B60K37/06, B60N2/46

Applicant

DAIMLERCHRYSLER AG

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/001373

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/001373

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>7, 10</u>	YES
	Claims	<u>1-6, 8, 9</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-10</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 2002/196233 A1 (KATAOKA ICHIRO *ET AL*) 26 December
2002 (2002-12-26)

D2: FR 2 830 808 A (FAURECIA INDUSTRIES) 18 April 2003
(2003-04-18)

D3: EP 1 343 113 A (CALSONIC KANSEI CORPORATION)
10 September 2003 (2003-09-10)

2 INDEPENDENT CLAIM 1

2.1

The present application does not meet the requirements of
PCT Article 33(1) because the subject matter of claim 1
is not novel within the meaning of PCT Article 33(2).
Document D1 discloses (the references between parentheses
relate to this document)

an operator control apparatus for a vehicle ([0002];
figures 4-6) having keys (C1-C6, [0036]) and a rotatable
control wheel (A, [0037]), preferably for the operator
control of vehicle functions and/or an audio installation
and/or a telephone and/or a navigation device ([0002],

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

[0037] and [0040]), where a front section contains the keys and the control wheel and a rear section contains a support body (B) with support face for supporting a hand (figures 3, 5 and 6), and where the rotary axis (34) of the control wheel (3) is arranged at right angles to the support face (figure 4; [0039]; see also **Box VIII**), and where the keys (C1-C6) are arranged in an operator control plane (41) which forms an obtuse angle with the support face (figures 4-6; see also **Box VIII**), and in that the circumferential face of the control wheel (A) has an upper face and a lower face which are inclined relative to one another such that the control wheel (A) has its greatest diameter on the line of contact between the faces (figure 4).

2.2

Otherwise, the present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

The operator control apparatus based on D2 differs from the subject matter of claim 1 in that instead of a control wheel with a double-conical shape there is a central pushbutton (25) arranged between the (screen) keys (figure 3; page 5, last sentence) and the armrest (18).

The technical problem is therefore to design an ergonomically more favourable operator control apparatus. For a person skilled in the art, it relates only to a minor structural change in replacing the pushbutton (25) of the operator control apparatus from D2 with a rotary

WRITTEN OPINION OF THE
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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

knob having a double-conical shape, particularly since a rotary knob of this kind is already known from D1 (figure 4).

By contrast, the operator control apparatus in D3 (figures 2 and 5) differs from the subject matter of claim 1 in that the control wheel (16) merely has a cylindrical shape or is annular (see figure 6a). The technical problem is therefore to make operator control ergonomically more favourable. For a person skilled in the art, however, it relates to a minor structural change in providing the control wheel of the operator control apparatus from D3 with a double-conical shape, particularly since a control wheel of this kind is already known from D1 (figure 4).

3 DEPENDENT CLAIMS

The features of subclaims 2 to 6 and 8 are likewise known from D1 (PCT Article 33(2)):

- further key (C-1) next to the control wheel (A), see figure 3;
- the hand face of the support (B) has an ergonomically suited curvature;
- the control wheel (A) is below the support face and has a corrugated circumferential face; the lower face has a larger extent (figure 3);
- the keys (C-1, C-2, C-4) have a clearly distinguishable shape.

A fold-out support face for holding a keypad can be found in EP 1288058 (figure 3) (PCT Article 33(3)).

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The operator control apparatus from D1 is arranged in the central console of the vehicle (figure 11) (PCT Article 33(2)).

Finally, it is also known practice to equip an armrest for a vehicle seat with an operator control apparatus of this kind (see D2, for example) (PCT Article 33(3)).

WRITTEN OPINION OF THE
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International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

In accordance with the wording of claim 1, the control wheel's axis of rotation and the keys' operator control plane are respectively at a specific angle to the **support face**. In accordance with the invention, the support face is now not the central axis (61a) specified in figure 1 but rather the curved surface (61) of the support body (figure 1; claim 3). A lack of clarity therefore arises in that it is not clear which angle is respectively meant.

The feature "an operator control plane ... which **forms** an obtuse angle with the support face "is vague in so far as it rules out neither an operator control plane situated in the support face nor an operator control plane which forms an angle of greater than 180° with the support face.